

FREQUENTLY ASKED QUESTIONS

Provided below are questions and answers which are intended to illustrate applications of the lobbying ordinance:

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1. Q. Is a person a lobbyist if that person contacts the member of the Common Council who represents the district in which he or she resides to request that certain action be taken?

A. The person is not a lobbyist because the person is communicating with the Common Council member who represents the district in which the person resides, regardless of whether the person is paid to make the contact or is making the contact on the behalf of another person. See s. 305-51-2.
2. Q. Is a person engaged in lobbying if that person is employed as a manager of a company and contacts city officials to urge support for granting to the company certain permits or licenses, or appears on behalf of the company at a meeting of a Common Council committee to urge support for granting to the company certain permits or licenses?

A. Because the person is employed by a principal and is engaged in lobbying on behalf of the principal, the person is required to register as a lobbyist whenever he or she engages in lobbying for 2 or more hours within a single reporting period; however, the calculation of time spent engaged in lobbying does not include appearances before a city board, commission or committee or contact with the member of the Common Council who represents the district in which the person resides. See ss. 305-43-5 and 7, and 305-45-1.
3. Q. Is a person engaged in lobbying if the person under scenario #2 is the owner of the company and not an employee? Does the determination of a lobbyist depend upon whether the person owns or controls an interest in the company above a certain percentage?

A. The owner is a principal because he or she is engaged in lobbying on behalf of a company which he or she owns, and, the owner is required to register as a lobbyist if he or she engages in lobbying for 2 or more hours within a single reporting period; however, the calculation of time spent engaged in lobbying does not include appearances before a city board, commission or committee or contact with the member of the Common Council who represents the district in which the owner resides. The ordinance does not establish threshold requirements relating to the percentage of a company a person must own or control an interest in before registration as a lobbyist is required. See ss. 305-43-4 and 8, 305-45-3, and 305-45-1.

4. Q. Is a person engaged in lobbying if the person under scenario #2 is an attorney retained by the owner to represent the company before a city board, commission or committee?
- A. Because representing a person in a *quasi judicial* proceeding involves activities which are the practice of law, attorneys engaging in any of the following activities are not subject to the provisions of the lobbying ordinance:
1. Representing an applicant or licensee before the Utilities and Licenses Committee or before the entire Common Council.
 2. Representing a person who has filed a claim against the city, before the Judiciary and Legislation Committee.
 3. Representing an appellant before the Administrative Review Appeals Board.
 4. Representing an appellant before the Board of Standards and Appeals.
 5. Representing an applicant before the Board of Zoning Appeals.
 6. Representing a candidate before the Board of City Election Commissioners.

See s. 305-51-1-e.

5. Q. Is a person engaged in lobbying if that person, who is a member of the Board of Directors for a nonprofit corporation and is not paid for his or her service on the board, contacts members of the Common Council to solicit support for the allocation of grant funds to the corporation, or appears on behalf of the corporation at a meeting of a Common Council committee to urge approval of the allocation of grant funds to the corporation?
- A. The member of the Board of Directors is not required to register as a lobbyist because the member is not paid for his or her services on the board. In addition, lobbying does not include appearances by any person before a city board, commission or committee. See s. 305-43-5 and 6.
6. Q. Is a person engaged in lobbying if that person is employed as the executive director of a community-based organization and contacts the director of the Community Development Block Grant Administration regarding the organization's application for grant funds?
- A. The person is not engaged in lobbying if the contact with a city official is limited to inquiries regarding the grant application. In the event the person goes beyond the inquiry and attempts to influence the legislative or administrative action of a city official, the person is engaged in lobbying because the person is employed by the organization. The person is required to register as a lobbyist if he or she engages in lobbying for 2 or more hours within a single reporting period. See ss. 305-43-6, 305-51-1-h and 305-45-1.

7. Q. Is a person engaged in lobbying if that person, as a volunteer member or officer of a neighborhood organization or civic group contacts several members of a city board, commission or committee to request that certain action be taken?

A. A volunteer member or officer is not required to register as a lobbyist because he or she is not paid for his or her services to the organization or group. Reimbursement for actual expenses incurred while performing activities on behalf of the organization or group is not payment to the member or officer to engage in lobbying. See ss. 305-43-5 to 7.
8. Q. Is a person who is employed by a principal required to register as a lobbyist if the person meets separately with several city officials within a single reporting period to lobby on behalf of the principal, even though each meeting related to a different matter and no one meeting lasted for 2 hours or more?

A. The person is required to register as a lobbyist if the accumulated time spent lobbying on behalf of the same principal is for 2 or more hours within a single reporting period, regardless of the number or length of the meetings and the number and identities of the legislative or administrative matters. See ss. 305-43-6 and 12, and 305-45-1.
9. Q. Is a person engaged in lobbying if that person, as the paid executive director of a nonprofit corporation which has entered into a contract with the City to provide certain services, submits to city officials, as required under the terms of the contract, written reports related to the need for the services?

A. The executive director is not engaged in lobbying because requests for information from a city official and the furnishing of that information when the official is acting in an official capacity is communication that is exempt from the lobbying ordinance. See s. 305-51-1-g.
10. Q. Is a person engaged in lobbying if that person is employed as an architect or engineer and meets with a plan examiner on behalf of a client regarding a project?

A. A person is not subject to the lobbying ordinance if the person is an architect, engineer or other design professional, acting on behalf of a client, while performing a duty or service within the definition of the practice of his or her profession. See s. 305-51-1-L.
11. Q. Is a person engaged in lobbying if the person represents a client who is the successful bidder on a city land sale request for proposal and meets with a city employee who is required to file an SEI to discuss the need for zoning or design changes on the property?

A. Unless otherwise exempt from the lobbying ordinance, the person is engaged in lobbying because the person is attempting to influence

legislative or administrative actions and is required to register as a lobbyist if his or her total time lobbying for the client equals or exceeds 2 hours within a single reporting period, regardless of whether any one meeting lasts 2 hours or more. See ss.305-43-4 and 6, 305-45-1 and 305-51.

12. Q. Is a person engaged in lobbying if that person appears on behalf of a client before the Board of Zoning Appeals, City Plan Commission or Historic Preservation Commission to answer questions about a project seeking the approvals of those bodies?
 - A. The person is not engaged in lobbying because lobbying does not include appearances by any person before a city board, commission or committee. See s. 305-43-5.
13. Q. Is a person engaged in lobbying if that person meets with employees who are on the payrolls of the Housing Authority and Redevelopment Authority?
 - A. Because the agencies are separate corporate entities, the employees are not city officials. Therefore, the lobbying ordinance would not apply to any activity relating to matters handled by those agencies. See ss. 305-43-2 and 4.
14. Q. Is a person engaged in lobbying if that person is a vendor who contacts a city official to promote a product?
 - A. The person is not engaged in lobbying if the person is merely responding to a request for information from a city official, or is making an inquiry during a contract or bidding process. The person is engaged in lobbying whenever the person contacts a city official in an attempt to influence legislative or administrative action; however, the person is not required to register as a lobbyist until the person has engaged in lobbying for 2 or more hours. See s. 305-43-4 and 6, 305-45-1 and 305-51-1-g and h.
15. Q. Is a person engaged in lobbying if that person has received an order to abate a nuisance or code violation and contacts city officials regarding the matter?
 - A. The person is not engaged in lobbying because an action related to an enforcement action commenced by a written order, a citation or a summons and complaint is not an administrative action subject to the provisions of the lobbying ordinance. See s. 305-43-1.
16. Q. Is a person engaged in lobbying if that person is a county official and contacts a city official urging support for an intergovernmental cooperation agreement? Who would be the principal?
 - A. The person is engaged in lobbying and is required to register as a lobbyist if he or she has engaged in lobbying for 2 or more hours within a

single reporting period. The principal is the government department, agency or organization which employs the person; however, the ordinance provides that a principal is exempt from paying the registration fee if the principal is a government department, agency or organization of another political subdivision within the state of Wisconsin; another state; or the federal government. See ss.305-43-8 and 305-45-4.

17. Q. How is the amount of time a lobbyist has spent engaged in lobbying determined if the lobbyist appears for several minutes before a city board, commission or committee in an attempt to influence a legislative or administrative action, but waited for several hours before being heard?
 - A. Lobbying does not include appearances by any person before a city board, commission or committee. See s. 305-43-5.
18. Q. Is a person a lobbyist if the person is an owner of a business or a member of an organization and contacts the member of the Common Council who represents the district in which the business or organization is located to request that certain action be taken, even though the owner or member resides in another aldermanic district or municipality?
 - A. A person communicating with the Common Council member who represents the district in which the person resides is not subject to the provisions of the lobbying ordinance. Because a person is defined under the lobbying ordinance to include any corporation, association, limited liability company or partnership, an owner of a business or member of an organization communicating with the Common Council member who represents the district in which the business or organization is located is not subject to the provisions of the lobbying ordinance, regardless of where the owner or member resides. See ss. 305-43-7 and 305-51-2.
19. Q. What regulations have been established by the lobbying ordinance, which restrict a person who has registered as a lobbyist from contributing to the election campaign of a city official?
 - A. No new provisions have been established by the lobbying ordinance, which prohibit or restrict registrants from contributing to the election campaigns of city officials.
20. Q. If a person has been issued a lobbying license to engaged in lobbying on behalf of a principal, and desires to engage in lobbying of behalf of another principal, does the person need to apply and pay an additional fee for a license to lobby on behalf of the second principal?
 - A. A lobbyist engaged in lobbying on behalf of multiple principals is required to obtain a separate license and pay a registration fee for each principal represented. If a lobbyist registers more than 4 principals in a calendar year, the fifth and all subsequent principals registered by the lobbyist in a calendar year may be registered without further charge. See s. 81-73-2.